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| 10/643,557 | 08/18/2003 | Li Ping Chen | | 4936 |

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EXAMINER

CHAN, KO HUNG

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3632

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,557

Applicant(s)

CHEN ET AL.

Examiner

Korie H. Chan

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-16 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8, "**an** opposite side of the bottom wall" on line 2, should be corrected to "**the** opposite side of the bottom wall" as it has been first recited on line 8 of claim 7.

Similarly, claim 11, "**an** opposite side of the bottom wall" on line 2, should be corrected to "**the** opposite side of the bottom wall" as it has been first recited on line 8 of claim 7.

Claim 12, "**the** opposite sidewall of the storage device" on lines 1-2, should be corrected to "**an** opposite sidewall of the storage device".

Claim 13, "**an** opposite side of the bottom wall" on line 2, should be corrected to "**the** opposite side of the bottom wall" as it has been first recited on line 8 of claim 7.

Claim 15 which depends from claim 12, "**an** opposite sidewall of the storage device" on lines 1-2, should be corrected to "**the** opposite sidewall of the storage device" as it has been first recited in claim 12. Also, the limitations on lines 1-3 of claim 15 is found in claim 12. Consequently, a first wall and a second wall a plurality of fixing holes has been first recited in claim 12 and should be corrected "the first wall".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

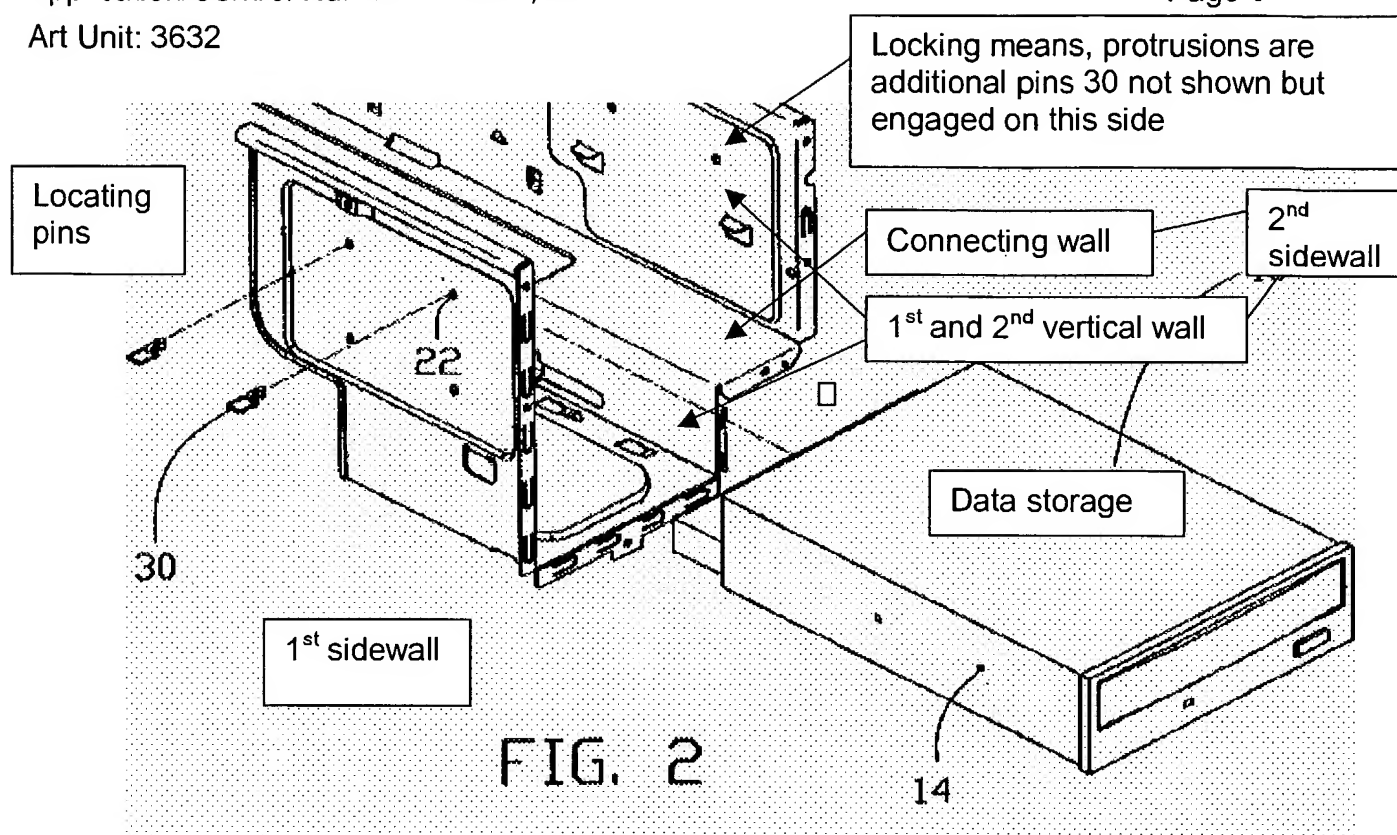
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al (US Publication no. 20040047122). Chen discloses a mounting bracket (10) for holding a data storage device (30), the data storage device comprising first and second sidewalls, the first sidewall defining a plurality of fixing holes (32) therein, the mounting bracket (10) comprising: a bottom wall (12); a first sidewall (14) extending upwardly from a side of the bottom wall with a plurality of locating pins (144) protruding inwardly therefrom corresponding to the fixing holes of the data storage device; a second sidewall (16) extending upwardly from an opposite side of the bottom wall for sandwiching the data storage device with the first sidewall; and locking means (164) for

Art Unit: 3632

engaging with the second sidewall of the data storage device to retain the data storage device in the mounting bracket.

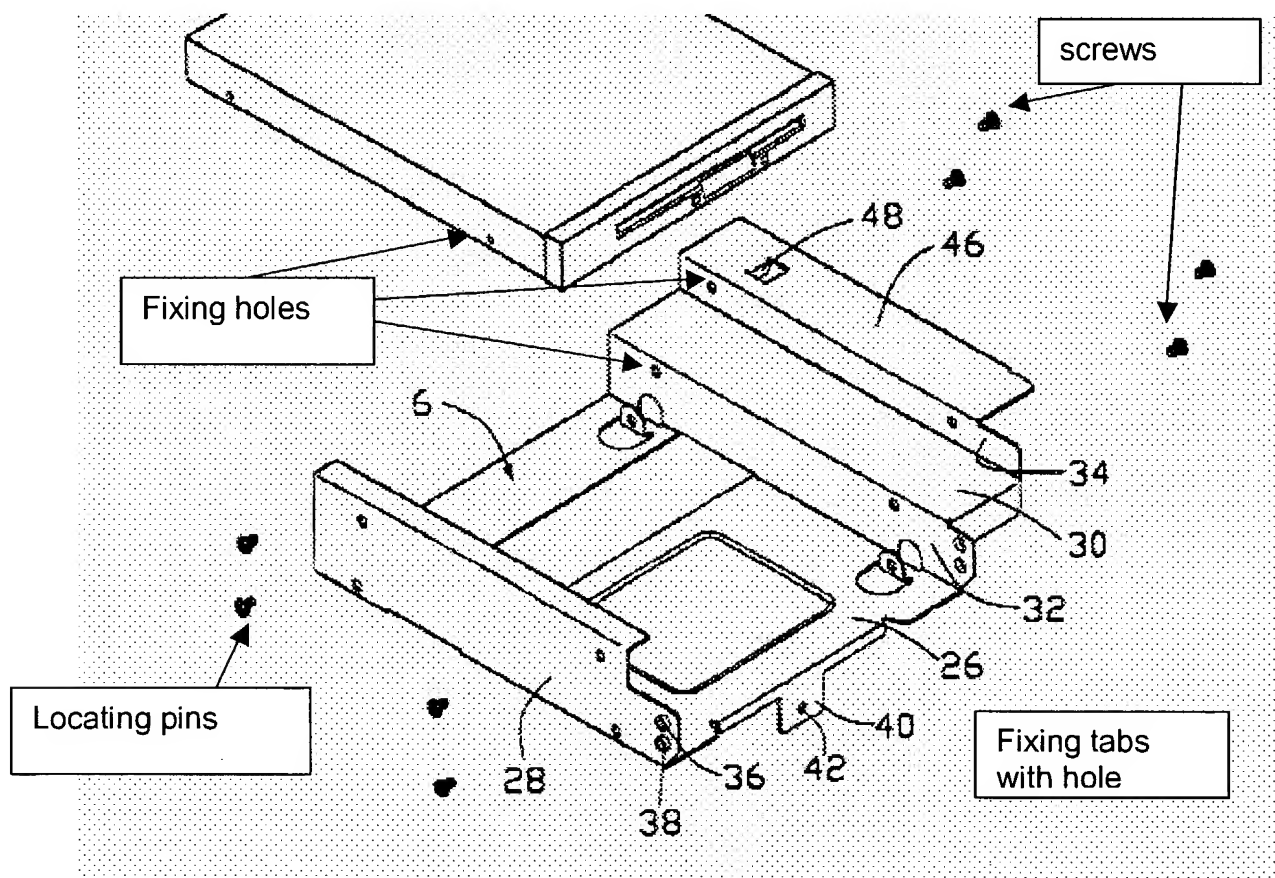
Claims 1, 2, 7-9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (US patent no. 6,628,514). Chen discloses a mounting bracket (figure 2) for holding a data storage device (10), the data storage device comprising first and second sidewalls, the first sidewall defining a plurality of fixing holes (14) therein, the mounting bracket (see illustration below) comprising: a bottom wall; a first sidewall extending upwardly from a side of said bottom wall with a plurality of locating pins (30) protruding inwardly therefrom corresponding to the fixing holes of the data storage device; a second sidewall extending upwardly from an opposite side of the bottom wall for sandwiching the data storage device with the first sidewall; and locking means (other wall also has pins 30) for engaging with the second sidewall of the data storage device to retain the data storage device in the mounting bracket; wherein the second sidewall of the mounting bracket comprising a first vertical wall (see illustration below), a connecting wall and a second vertical wall.



Claims 1, 2, 4-8, and 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Liao et al (US patent no. 6,529,373). Liao discloses a mounting bracket (figure 4) for holding a data storage device (8 and 10), the data storage device comprising first and second sidewalls, the first sidewall defining a plurality of fixing holes (figure 4) therein, the mounting bracket (see illustration below) comprising: a bottom wall (26); a first sidewall (28) extending upwardly from a side of the bottom wall with a plurality of locating pins (screws figure 4) protruding inwardly therefrom corresponding to the fixing holes of the data storage device; a second sidewall (30, 32, 34) extending upwardly from an opposite side of the bottom wall for sandwiching the data storage device with the first sidewall; and locking means (other wall also has screws figure 4) for engaging with the second sidewall of the data storage device to retain the data storage device in the mounting bracket; wherein the second sidewall of the mounting bracket

Art Unit: 3632

comprising a first vertical wall (32 or 34), a connecting wall (30) and a second vertical wall (32 or 34); wherein the first wall defining a plurality of fixing holes and the fixing structures comprise a plurality of through holes defined in the first vertical wall of the mounting bracket, and screws (figure 4) extending through the through holes to engage with the data storage device; wherein a plurality of fixing tabs (see illustration below) extends upwardly from the bottom wall parallel to and spaced from the second sidewall of the mounting bracket.



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3632

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US Publication no. 20040047122) in view of Johnson (US patent no. 2,958,496).

Chen discloses a mounting bracket (10) for holding a data storage device (30), the data storage device comprising first and second sidewalls, the first sidewall defining a plurality of fixing holes (32) therein, the mounting bracket (10) comprising: a bottom wall (12); a first sidewall (14) extending upwardly from a side of the bottom wall with a plurality of locating pins (144) protruding inwardly therefrom corresponding to the fixing holes of the data storage device; a second sidewall (16) extending upwardly from an opposite side of the bottom wall for sandwiching the data storage device with the first sidewall; and locking means (164) for engaging with the second sidewall of the data storage device to retain the data storage device in the mounting bracket.

However, Chen does not disclose one of the sidewalls being outwardly deflectable. Chen teaches providing resilient tabs (18) on the sidewalls for urging the sides of the data storage. Johnson teaches providing deflectable sidewalls (11 and 12) for urging the sidewalls of the box held therebetween. However, it would have been to one of ordinary skill in the art to have modify the sidewall of Chen such that it is deflectable for urging the sidewalls of the article within the bracket as taught by

Johnson. Such modification would have involved a substitution of one well-known method of urging sidewalls of components within a channel with another.

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining cited art of record demonstrate various data storage brackets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Korie H. Chan
Primary Examiner
Art Unit 3632

khc
April 27, 2004